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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/841,570 | 04/24/2001 | Gary Boccadutre | 1647001 | 5425 |
| 7590 11/01/2005 | | | EXAMINER | |
| HORST M. KASPER 13 FOREST DRIVE WARREN, NJ 07059 | | | SHAKERI, HADI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3723 | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/841,570 | Applicant(s) BOCCADUTRE ET AL. | |
| | Examiner Hadi Shakeri | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 7-10, 14-16, 18 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13, 17, 19-22 and 27-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>042401</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species C in the reply filed on 08/15/05 is acknowledged. However, claims 7-10 (fixedly attached), 14-16 and 23 (Fig. 4a) are withdrawn as being directed to species not elected, i.e., extensions (i.e., ratchet extension and extension shaft) and power tool including the subcombination of the extensions not including all of the limitations of the species elected, i.e., extension and shaft both removably attached at both ends, but since claim 31 appears to define the subcombination of Fig. 3, (respectively mounting), its parent claim 19 is also examined as directed to embodiment wherein the "attachment" is defined per claim 31.

Claim Objections

2. Claims 5, 6 and 28 are objected to because of the following informalities: with regards to claims 5 and 6, it appears a kit is being claimed which includes a power tool with a plurality of detachable ratchet extensions and extension shafts. In claim 28, "(204)" should be amended, e.g., changed to (104). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

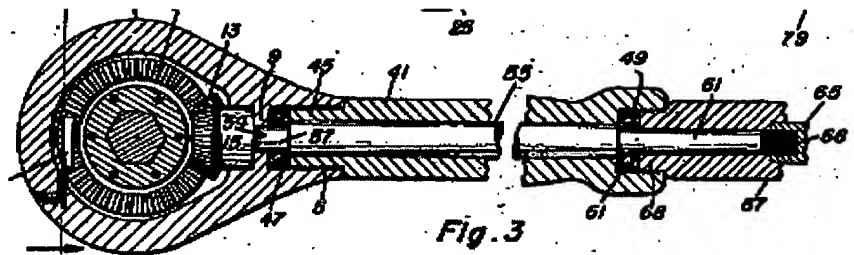
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lampke, US Patent No. 2,808,749.

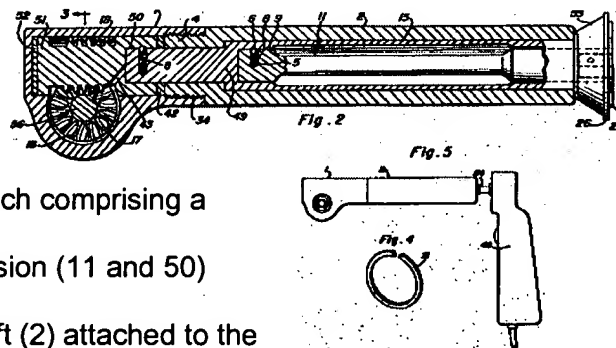
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Lampke discloses all the limitations of the above claims 1, i.e., power wrench comprising a handle containing a motor (e.g., 67); a ratchet extension (41) attached to the handle; a ratchet extension shaft (55) attached to the handle and a ratchet head (1); and the ratchet head (1) attached to the extension and the shaft, wherein the extension and the shaft are removable; a plurality of removable extension (41, 67, 81) and a plurality of removable shafts (55, 77) each separately removable.



5. Claims 1, 3, 11-13, 17, 19-22 and 27-31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hendrickson, US Patent No. 3,430,510.

Hendrickson discloses all the limitations of the above claims, i.e., power wrench comprising a handle containing a motor (48); a ratchet extension (11 and 50) attached to the handle; a ratchet extension shaft (2) attached to the handle and a ratchet head (1); and the ratchet head (1) attached to the extension and the shaft, wherein the extension and the shaft are removable, i.e., Fig. 2.



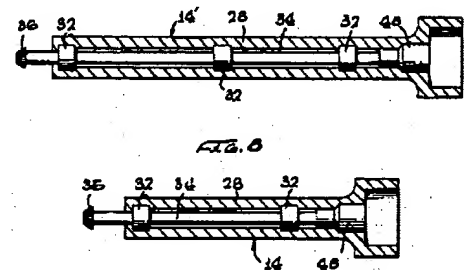
Regarding claims 12, 13, 17, 19-22 and 27-31, a pneumatic motor as disclosed in (04:56) would inherently meet all of the limitations of claims 12, 17 and 19 including ratchet head having a socket mount (56) attached to the extension (4, 34) and the shaft (socket accommodating 49), first end of the shaft attached to the handle (at 26, 27, 53), wherein the extension (2) includes an interface collar, i.e., the end adjacent to (53) slipped over (50) at a first end and a head mount (4) at the second end; a drive tang (49) at the second end of the shaft; a ratchet head drive shaft (socket accommodating 49); a drive shaft (54) attached to the handle engaging a

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drive socket (53) (see phantom lines Fig. 2); ratchet head being demountable (34); extension (2) being tubular (03:41); and the shaft is solid rod (11 and/or 15, i.e., solid and, a thin straight piece or bar of material); wherein the shaft is connected to the pneumatic drive (at 53) and the socket mount (56) is rotationally transferring connected to the shaft (at 49 and/or 9); wherein the shaft is disposed in the extension freely rotating; wherein the extension (2) surrounds the shaft (11) without contact; and wherein the extension (2) and the shaft (11 and/or 15) are separate elements.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Frenkel (5,709,136).

Frenkel discloses all the limitations of claims 1 and 11, i.e., power ratchet having a lever arm comprising; ratchet extensions (28); ratchet extension shafts (34).



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Lampke, Hendrickson and Frenkel.

Each of the above mentioned prior art meets the limitations of the above claims except for disclosing an extension and a shaft having a length between 6 to thirty inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an

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extension and a corresponding shaft having a length of approximately 6-30", since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954).

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson in view of Frenkel.

Hendrickson meets all of the limitations of claims 5 and 6, except for disclosing a plurality of extensions and shafts and for disclosing the range or a specific size of the extensions. Frankel teaches providing a plurality of extensions and shafts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of extensions and shafts as taught by Frenkel in adapting the tool for use in confined spaces. Choosing a specific size, e.g., 8" is considered modification within the knowledge of one of ordinary skill in the art dependent on work-piece/operational parameters as indicated above.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke.

Lampke meets all of the limitations of claim 6, except for disclosing a plurality of disclosing the range or a specific size of the extensions, modification within the knowledge of one of ordinary skill in the art dependent on work-piece/operational parameters as indicated above.

11. Claims 12, 13, 17,19-22 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke in view of Hendrickson.

Lampke meet the limitations of the above claims, except for disclosing an air power wrench. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use a pneumatic wrench as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive.

Lampke in view of Hendrickson disclose all of the different types of connection between the head and the handle as indicated above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

13. Applicant's arguments filed on 10/15/04 and 11/08/04 have been fully considered but they are not persuasive. The argument that Lampke and Hendrickson do not teach an air drive motor is no persuasive, since using or applying the invention of Lampke to an air power tool is well within the power of one of ordinary skill in the art and since Hendrickson does disclose the use of an air gun and an extension (2).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723
October 29, 2005